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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/799,981	CHASE, MICHAEL JOHN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew E. Kessler	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/15/04</u> .   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. Claims 1-28 are pending.
2. Claims 1-28 are rejected.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being unpatentable and anticipated by Sharma et al. US Patent Application Publication # 2002/0075815 (Sharma hereinafter).

As to claim 1, Sharma teaches a messaging system, comprising:  
a first computer and a second computer connected via a network (Paragraph [0080] teaches “In another alternative use, the present system may be communicating over a standard telephone line 30 to another personal computer.” The present system is defined as the “personal computer 10 is running the software components of the present system while the hardware components 20 include the data communication equipment and telephone headset”. The two computers are communicating over a network.);

a first Edge Terminal Device (ETD) connected to the first computer and a second ETD connected to the second computer (See Fig 1 and paragraphs [0080]-[0081]. Sharma teaches the system as "hardware components include the data communication equipment and a telephone headset." These hardware components, i.e. the ETD, are connected to the personal computers.);

the first ETD being responsive to a received message transmitted by the second ETD to reproduce content of the received message and to accept user input in response to the message (Paragraph [0086] teaches "The digitized voice files can be saved and sent to one or more destinations immediately or at a later time using a queue scheduler. The user can also listen to, forward, or edit the voice messages which have been received with a powerful digital voice editing component of the present system." The first ETD receives a voice message and in response to that message the user has options to listen, forward or edit the received voice message.).

As to claim 2, Sharma further teaches one or both of the first and second ETDs comprising a phone (See Fig 1 and paragraph [0080]. A telephone headset is included in the hardware components.).

As to claim 3, Sharma further teaches the received message comprising a multimedia message (Paragraph [0107] teaches "The operation of the multi-media mail function 121 of FIG. 2 is also facilitated by the hardware components.").

As to claim 4, Sharma further teaches one or both of the first and second ETDs comprising an intercom providing simplex or duplex communications (Paragraph [0089] teaches that "the show-and-tell function of the present system allows the user to establish a data over voice (DOV) communications session." The show-and-tell function is further described in paragraph [0109] as being duplex communication: "the show-and-tell function 123 of the present system allows the user to establish a data over voice communication session. In this mode of operation, full -duplex data transmission may be accomplished simultaneously with the voice communication between both sites.").

As to claim 5, Sharma further teaches the second ETD serializing user input actions (Figs. 26-29 and described in paragraphs [0279]-[0282] teach a user inputting information through the user interface which is received by the computer one command at a time.) and transmitting data representative of the serialized user input actions to the second computer for re-characterizing the data as instructions for the first computer, the instructions comprising control information to relay directives to the first ETD (Paragraphs [0258]-[0261] teach that "The control block 129 also monitors incoming calls and invokes the appropriate program block, either voice mail 117, fax manager 119, multi-media mail 121, or show-and-tell 123, in order to further process the incoming call." When an incoming call is received, the data associated with that call provides instructions that direct the first ETD how to handle the incoming information. Additionally Figs.

35-37 as described in paragraphs [0287] – [0289] show the process of receiving the transmitted messages and commands.).

As to claim 6, Sharma further teaches the first edge terminal comprising one or more display elements, wherein the directives instruct the first ETD to change illumination of one or more of the display elements (see Figs. 50, 52, and 53. Claim 21 states “the control circuitry is operable to provide a display interface to a user to notify the user of the receipt of the incoming multi-media mail.” Displaying this information would change the illumination in some form in order for the notification to be visibly recognizable.).

As to claim 7, Sharma further teaches the first ETD comprising one or more display elements (Fig. 40-57 all depict different displays utilized in the invention.), at least one speaker (Paragraph [0018] teaches that the hardware components of the system include “the telephone receiving units, i.e., the headset, handset, or the built-in speaker.”), and at least one display (see Fig. 1), the directives instructing the first edge terminal to perform one or more of the following: change illumination of one or more of the display elements; change illumination of the display elements in a pattern illustrating one or more suggested actions for a user at the first edge terminal; emit sound through the speaker as one or more suggested actions for a user at the first ETD; emit

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sound through the speaker as the content; show one or both of text and graphics on one or more displays as one or more suggested actions for a user at the first ETD; and show one or both of test and graphics on the display as the content (Claim 21 states “the control circuitry is operable to provide a display interface to a user to notify the user of the receipt of the incoming multi-media mail.” Displaying this information would change the illumination in some form in order for the notification to be visibly recognizable.).

As to claim 8, Sharma further teaches the first edge terminal comprising at least one speaker, wherein the directives instruct the first ETD to emit sound through the speaker as one or more suggested actions for a user at the first ETD (Paragraph [0017] teaches a speaker being incorporated into the system. When a multi-media message is opened, any audio information associated with that message is played through the speaker.).

As to claim 9, Sharma further teaches the second ETD having one or more audio sources for capturing sound as at least part of the content (Paragraph [0017] teaches an audio source as a microphone. The captured audio information is incorporated into multi-media messages.).

As to claim 10, Sharma further teaches the second ETD having a one or more video sources for capturing one or more images as at least

part of the content (The abstract states "Two or more outgoing multi-media data components are combined under control of a local user via input to the user interface program resulting in combined outgoing multi-media mail. At least one of the two or more outgoing multi-media data components is of a type of information different than another of the two or more outgoing multi-media data components. The combined outgoing multi-media mail is provided for communication to a remote location." Additionally paragraph [0107] teaches many different types of data which are associated with the multi-media messages. Specifically claim 5 teaches video as being a part of the information for a multi-media message. Inherent to the video information is a source of the video data.).

As to claim 11, Sharma further teaches further comprising a server connected in network with the first and second computers, for storing one or more received messages until the first ETD has a state to receive the stored messages (Paragraph [0019] teaches that "The voice control DSP allows the compressed speech to be recorded on a recording media, e.g., the hard disk drive of the attached computer system. This provides the function of an answering machine. In addition to the answering machine function, the recorded speech can be provided for the voice mail functions." At a later time the user can access these saved messages through the interface, see Fig. 50. The computer storing these messages is the "server").

As to claim 12, Sharma further teaches the user input actions comprising one or more of keystrokes, voice commands, and tactile inputs

(Paragraph [0006] teaches that "The user interface control software operates on a personal computer, preferably within the Microsoft Windows.RTM. environment. The software control system communicates with hardware components linked to the software through the personal computer serial communications port. The hardware components include telephone communication equipment, digital signal processors, and hardware to enable both fax and data communication with hardware components at a remote site connected through a standard telephone line. The functions of the hardware components are controlled by control software operating within the hardware components and from the software components operating within the personal computer." Inherent to the input devices which provide input to the user interface would be some form of keystrokes, voice commands, or tactile inputs.).

As to claims 13, 14, and 17, the applicant has claimed the computer program product which is representative by the system claims 1, 3, and 12 respectively. Sharma teaches in Paragraph [0006] that the scope of the invention pertains to both "software and hardware operating in conjunction with a personal computer." See claims 1, 3, and 12 as above for the rejection of claims 13, 14, and 17, respectively.

As to claim 15, Sharma further teaches the instructions for interpreting user inputs comprising instructions for utilizing one or more entities executing in the computer (Paragraph [0086] teaches the voicemail portion of the invention. A user has the ability to listen, forward, or edit received voicemails

which are in a queue. The software product interprets instructions selected by the user to be performed, i.e. listen to, forward, or edit.).

As to claim 17, Sharma further teaches the instructions for interpreting user inputs comprising instructions for resuming one or more waiting executable entities within the computer (Paragraph [0086] teaches the voicemail portion of the invention. A user has the ability to listen, forward, or edit received voicemails which are in a queue. The software product interprets instructions selected by the user to be performed, i.e. listen to, forward, or edit. It is interpreted that since these messages are received and in a queue that they are waiting executable entities within a computer.).

2. Claims 18-22 are rejected under 35 U.S.C. 102(e) as being unpatentable and anticipated by Dorenbosch et al. US Patent Application Publication #2002/0173308 (Dorenbosch hereinafter).

As to claim 18, Dorenbosch teaches a method for best effort delivery messaging for a recipient user agent, comprising the steps of:  
as directed by the recipient user agent, forming one or more surrogate proxy user agents for the user agent (Paragraph [0002] teaches “In addition to the above components, the IM system 10 also includes an IM proxy 24 according to the present invention that is located in a message pathway between the mobile

subscriber 12 and both the IM login server 16 and the IM message servers 20, 22.” These proxies are created when a user logs into the system.); and

through operation of the surrogate proxy user agents, storing multimedia data for the recipient user agent due to one or both of (a) unavailability of the recipient user agent and (b) request by the receiving user agent (See Fig. 5 as described in paragraph [0024]. If the user is unavailable, the proxy stores the message and attempts to send the message to the user until the proxy receives acknowledgement that the user has received the message.).

As to claim 19, Dorenbosch further teaches the step of storing comprising registering with a registration entity such that notification events on changes of user agent's availability are received by surrogate proxy user agents (Paragraph [0018] teaches registering with the IM login server which includes presence information about other users.).

As to claim 20, Dorenbosch further teaches the step of attempting delivery of the multimedia data when the user agent becomes available (Fig. 5 as described in Paragraphs [0024]-[0027] teaches when a user returns to service the message will be sent to the user.).

As to claim 21, Dorenbosch further teaches the step of ranking the multimedia data for sequentially-ordered delivery of the

multimedia data when the user agent becomes available (Paragraph [0037] teaches forwarding multiple stored messages to the agent when available. The messages are sent in the order they are received and are ranked as such. Additionally Dorenbosch teaches the messages pending for delivery from the proxy to the agent can be bundled and grouped together when sent.).

As to claim 22, Dorenbosch teaches a method for best effort delivery messaging for a sending user agent, comprising the steps of:

forming a list of one or more receiving user agents as specified by the sending user agent (Paragraph [0027] specifically teaches the methods for delivering a message through the proxy in the instance where the message conversation is between more than 2 users. It is specifically stated that the method of sending messages can be sent to 3 or more users. Inherent to sending messages to multiple users would be a way of determining who the recipients of the messages would be, i.e. a list.); and

forming at least one surrogate proxy user agent for each of the receiving user agents (Paragraph [0002] teaches “In addition to the above components, the IM system 10 also includes an IM proxy 24 according to the present invention that is located in a message pathway between the mobile subscriber 12 and both the IM login server 16 and the IM message servers 20, 22.” These proxies are created when a user logs into the system for each user.); and

through operation of the surrogate proxy user agent, buffering multimedia data for its respective receiving user

agent until the receiving user agent is disposed to receive the multimedia data (Fig. 5 as described in Paragraphs [0024]-[0027] teaches when a user returns to service the message will be sent to the user.).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorenbosch, as applied to claim 22 above, in further view of Moran United States Patent Application # 2002/0073142 (Moran hereinafter).

Dorenbosch teaches all of the limitations of claim 22, but does not teach the limitation the step of buffering comprising managing the multimedia data as distributed across a network, and further comprising one or more of prefixing, appending, inserting, combining, and mixing other data with the multimedia data, and one or more of blanking, deleting, and filtering the multimedia data.

However, in an analogous art, Moran teaches the step of buffering comprising managing the multimedia data as distributed across a

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network, and further comprising one or more of prefixing, appending, inserting, combining, and mixing other data with the multimedia data, and one or more of blanking, deleting, and filtering the multimedia data (Paragraphs [0015]-[0016] teach appending information to the buffered data. Paragraph [0015] states " Preferably, the messaging server comprises a processor arranged to append information received from a user to one of the pre-specified messages." Paragraphs [0056]-[0063] teach the methods of appending content at the terminal proxy.).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Dorenbosch's method of best delivery of messages with Moran's method of editing and appending content to a sent message at a proxy server because Moran provides the motivation that "this provides the advantage that a user is able to personalize instant messages and add information to them to suit particular circumstances".

4. Claims 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran United States Patent Application #2002/0073142 and in further view of Porter United States Patent Application #2002/0059272 (Porter hereinafter).

As to claim 24, Moran teaches a server system for managing mark-ups of multimedia data of one or more communicating devices on a network, comprising:

means for buffering first multimedia data (Fig. 4 shows doing the processes of Fig. 2 an 3 on a terminal proxy. In order to store the message being sent through the network which is to be edited and information appended to them as in Fig. 3, they must be buffered in some capacity. The server stores these messages and they are therefore buffered.);

But Moran does not teach means for accepting inputs from the communicating devices to mark-up the first multimedia data such that, for each mark-up, a node is added to a hierarchical list structure having child and peer relationships, and such that applying the mark-ups to the first multimedia data defines a second multimedia data that is of equal or different duration and content to the first multimedia data. Moran does not specifically teach a hierarchical list structure of parent/child nodes but does teach mark-ups to multimedia data. Paragraphs [0057] and [0064] teach the content being accessible through XML or other mark up languages. Moran does teach marking up the multimedia data for editing but does not do so using hierachal parent/child nodes.

However in an analogous art, Porter teaches means for accepting inputs from the communicating devices to mark-up the first multimedia data such that, for each mark-up, a node is added to a hierarchical list structure having child and peer relationships, and such that applying the mark-ups to the first multimedia data defines a second multimedia data that is of equal or different duration and content to the first multimedia data (Porter teaches in the

abstract the use of a hierachal parent/child node system editing such nodes. Nodes are defined in paragraph [0124] to be characteristic of multimedia data.)

It would be obvious at the time of the invention to combine Moran's methods of editing multimedia messages at a proxy with Porter's method of editing through hierachal parent/child nodes since Porter states in paragraph [0006] this collaborative editing style allows other users to be able to edit information stored in a central location. It would therefore be obvious to use a hierachal node structure in combination with the method of appending or editing information stored at a terminal proxy since it would allow the user a method of editing the message stored centrally at the terminal proxy.

As to claim 25, the combination of Moran and Porter teach the limitations of claim 24, Moran further teaches the mark-ups comprise one or more of prefixing, appending, inserting, combining, and mixing other data with the first multimedia data (Paragraphs [0015]-[0016] teach "Preferably, the messaging server comprises a processor arranged to append information received from a user to one of the pre-specified messages. This provides the advantage that a user is able to personalise instant messages and add information to them to suit particular circumstances.").

As to claim 26, the combination of Moran and Porter teach the limitations of claim 24, Moran further teaches the first multimedia data comprising a first audio message, the inputs comprising one or more second audio messages, wherein the second multimedia data postfixes,

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prefixes, mixes or combines the second audio messages with the first audio message (Moran teaches in the abstract that the method of claim 25 are applied to voicemail, which is audio data.).

As to claim 27, the combination of Moran and Porter teach the limitations of claim 24, Moran further teaches the first multimedia data comprising a first audio message, the inputs comprising a deletion, blanking or filtering specification, wherein the second multimedia data comprises only a portion of the first audio message (Paragraph [0016] teaches “Preferably, the processor is arranged to append the information received from the user to a pre-specified message in order to create a combined message such that in use the messaging server is later able to separate the appended information from the combined message.” Later when the data is removed from the message is a form of deletion of a part of the message.).

As to claim 27, the combination of Moran and Porter teach the limitations of claim 24, Porter further teaches the system of claim 24, further comprising means to traverse the hierarchical list structure to apply semantics as specified one or more of the nodes to the first multimedia data and produce the second multimedia data (Paragraphs [0305]-[0307] teach that the nodes can be moved up and down, i.e. traversing the list, and by moving the nodes the information which is represented by the nodes is changed, i.e. semantics are applied and produce new data. The resulting new data would be the second multimedia data.).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Kessler whose telephone number is (571) 270-5005. The examiner can normally be reached on Monday through Thursday 7:00 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MEK/

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145